Department of Community Planning and Economic Development – Planning Division Drainage and Utility Easement Vacation Vac-1489

Hearing Date: 6/12/06

Applicant: MacPhail Center for Music, 1128 LaSalle Ave., Mpls., MN 55403

Address of Property: 501 2nd St. S.

Project Name: MacPhail Center for Music

Contact Person and Phone: Robert Hunter, Project Architect, James Dayton Design Ltd., 530 N. Third St., Suite 330, Mpls., MN 55401, voice: 612-338-0005, fax: 612-338-0141, rhunter@iddltd.com

Staff Contact Person and Phone: J. Michael Orange, consulting planner. Phone: 612-673-2347; facsimile: 673-2728; TDD: 673-2157; e-mail: michael.orange@ci.minneapolis.mn.us

Ward: 7 **Neighborhood Organization:** Downtown Minneapolis Neighborhood Association, Industry Square Project Committee

Existing Zoning:

- **Primary:** C3A, Community Activity Center District
- Overlay Districts:
 - Downtown Height
 - Downtown Parking

Proposed Use: MacPhail Center for Music proposes to vacate all of the drainage and utility easement as dedicated in Outlot A, Block 1, Milwaukee Depot East Addition to Minneapolis for the property located at 501 2nd St. S. in order to construct the MacPhail Center for Music project.

Comprehensive Plan and City Goals: The *Minneapolis Plan* does not contain policies that provide direct guidance as to the proposed vacation of a drainage and utility easement on private property. The vacation is required for construction of the MacPhail Center for Music project and the staff report prepared for this project (3/27/06) concluded the project was consistent with all but minor aspects of the numerous adopted policies and plans applicable to the project.

Background: MacPhail Center for Music proposes to construct the new MacPhail Center for Music building, a performing arts education facility, at 501 2nd St. S. The project is the third phase of the three-phase Planned Unit Development for the block known as Parcel C. The project includes 1) the construction of a new 6-story, 55,200 sq. ft. building to house the MacPhail Center for Music and 2) an exterior landscaped courtyard on the northeast corner of the property to allow for musical recitals and to serve as a gathering space for students and faculty. The building will house individual and group instructional studios, larger group

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classrooms, early childhood development classrooms, a large central lobby, and a formal performance hall with seating for 200-250 people. The Planning Commission approved the necessary land use applications for the project on 3/27/06. The subject vacation is required for the project to go forward because a portion of the proposed building will be within the drainage and utility easement that is on the western edge of the site.

Development Plan: Refer to Attachment 2.

Other Zoning Applications Required: The Planning Commission approved the necessary land use applications for the project on 3/27/06. The applicant intends to apply for final plat approval in time for hearing at the 6/26/06 Planning Commission hearing.

Responses from Utilities and Affected Property Owners: Notice for the proposed vacation was sent on 4/5/04 to the appropriate list of governmental agencies and utility companies seeking their input. The following summarizes the responses received to date:

- Minneapolis Public Works: Recommends approval of vacation, subject to the following legal description: "All of the Drainage and Utility Easement as platted in Outlot A, Block 1, Milwaukee Depot East Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota."
- Minneapolis Fire Department: Conditional approval of vacation subject to final approval, based on final plans and/or any changes submitted.
- Minnesota Department of Transportation: No response to the vacation notice within the 30-day comment period or since then.
- Hennepin County Transportation Department: No response to the vacation notice within the 30-day comment period or since then.
- Xcel Energy: The company has no objection to said vacation.
- MCI: No response to the vacation notice within the 30-day comment period or since then.
- Center Point Energy: No objection to the vacation.
- Qwest: No objection to the vacation.

Findings: The vacation will remove a drainage and utility easement for an area that has no utilities within it and that is no longer needed for drainage purposes. The Public Works Department and the Department of Community Planning & Economic Development – Planning Division find that the area proposed for vacation is not needed for any public purpose, that it is not part of a public transportation corridor, and that it can be vacated.

RECOMMENDATION

Recommendation of the Department of Community Planning & Economic Development – Planning Division:

The Department of Community Planning & Economic Development – Planning Division recommends that the City Planning Commission and City Council <u>approve</u> the proposed vacation of the drainage and utility easement located at 501 2nd St. S., subject to the following legal description: "All of the Drainage and Utility Easement as platted in Outlot A, Block 1,

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Milwaukee Depot East Addition to Minneapolis, according to the recorded plat thereof, Hennepin County, Minnesota."

Attachments:

- 1. Zoning and lot lines in the vicinity of the site
- 2. Vacation application
- 3. Letter from Public Works
- **4.** Letter of support from CPED—Business Development Division